

Title 2, Division 3, Chapter 1,

Article 4.7 Performance Standards for the Discharge of Ballast Water For Vessels Operating in California Waters

Section 2291. Purpose, Applicability, and Date of Implementation.

- (a) The purpose of the regulations in Title 2, Division 3, Chapter 1, Article 4.7 of the California Code of Regulations is to move the state expeditiously toward elimination of the discharge of nonindigenous species into the waters of the state or into waters that may impact the waters of the state, based on the best available technology economically achievable.
- (b) The provisions of Article 4.7 apply to all vessels that discharge ballast water in California waters except those that are exempt under Section 71202, Public Resources Code.
- (c) The provisions of these regulations become effective on or before January 1, 2008.

Authority: Sections 71201.7 and 71205.3, Public Resources Code

Reference: Sections 71201.7 and 71205.3, Public Resources Code

Section 2292. Definitions.

Unless the context otherwise requires, the following definitions shall govern the construction of this Article:

- (a) "Ballast Water Capacity" means the total volumetric capacity of any tanks, spaces, or compartments on a vessel used for carrying, loading or discharging ballast water, including any multi-use tank, space or compartment designed to allow carriage of ballast water.
- (b) "Board" means the State Water Resources Control Board
- (c) "Colony Forming Unit" means a measure of viable bacterial numbers.
- (d) "Commission" means the California State Lands Commission.
- (e) "Constructed" means a stage of vessel construction where:
 - (1) the keel is laid; or
 - (2) construction identifiable with a specific vessel begins; or
 - (3) assembly of the vessel has commenced comprising at least 50 tonnes or 1 percent of the estimated mass of all structural material, whichever is less; or
 - (4) the vessel undergoes a major conversion.
- (f) "Major Conversion" means a conversion of a vessel;
 - (1) which changes its ballast water carrying capacity by 15 percent or greater; or
 - (2) which changes the vessel type; or

- (3) which, in the opinion of the Commission, is projected to prolong its life by ten years or more; or
- (4) which results in modifications to its ballast water system other than component replacement-in-kind. Conversion of a vessel to meet the provisions of this Article shall not be deemed to constitute a major conversion for the purposes of this Section.

(g) "Vessel" means a vessel of 300 gross registered tons or more.

Authority: Sections 71201.7 and 71205.3, Public Resources Code

Reference: Sections 71200, 71201.7 and 71205.3, Public Resources Code,

Section 2293. Interim Performance Standards for Ballast Water Discharges

Subject to the Implementation Schedule in Section 2294, before discharging ballast water in waters subject to the jurisdiction of California, the master, owner, operator, or person in charge of a vessel to which this section applies shall conduct ballast water treatment so that ballast water discharged will contain:

- (a) No detectable living organisms that are greater than 50 micrometers in minimum dimension;
- (b) Less than 0.01 living organisms per milliliter that are less than 50 micrometers in minimum dimension and more than 10 micrometers in minimum dimension;
- (c) For living organisms that are less than 10 micrometers in minimum dimension:
 - (1) less than 1,000 bacteria per 100 milliliter;
 - (2) less than 10,000 viruses per 100 milliliter;
 - (3) concentrations of microbes that are less than:
 - (A) 126 colony forming units per 100 milliliters of *Escherichia coli*;
 - (B) 33 colony forming units per 100 milliliters of *Intestinal enterococci*; and
 - (C) 1 colony forming unit per 100 milliliters or 1 colony forming unit per gram of wet weight of zoological samples of Toxicogenic *Vibrio cholerae* (serotypes 01 and 0139)

Authority: Sections 71201.7 and 71205.3, Public Resources Code

Reference: Sections 71201.7 and 71205.3, Public Resources Code

Section 2294. Implementation Schedule for Interim Performance Standards for Ballast Water Discharges

Section 2293 applies to vessels in accordance with the following schedule:

- (a) Beginning January 1, 2009, for vessels constructed on or after that date with a ballast water capacity of less than or equal to 5,000 metric tons.
- (b) Beginning January 1, 2012, for vessels constructed on or after that date with a ballast water capacity greater than 5,000 metric tons.
- (c) Beginning January 1, 2014, for vessels constructed before January 1, 2009, with a ballast water capacity of 1,500 metric tons or more but not more than 5,000 metric tons.
- (d) Beginning January 1, 2016, for vessels constructed before January 1, 2009, with a ballast water capacity of less than 1,500 metric tons or greater than 5,000 metric tons.

Authority: Sections 71201.7 and 71205.3, Public Resources Code

Reference: Sections 71201.7 and 71205.3, Public Resources Code

Section 2295. Implementation Schedule for Final Performance Standards for Ballast Water Discharges

Beginning January 1, 2020, before discharging ballast water in waters subject to the jurisdiction of California, the master, owner, operator, or person in charge of a vessel to which this section applies shall conduct ballast water treatment so that ballast water discharged will contain zero detectable living organisms for all organism size classes.

Authority: Sections 71201.7 and 71205.3, Public Resources Code

Reference: Sections 71201.7 and 71205.3, Public Resources Code

Section 2296. Delay of Application for Vessels Participating in Promising Technology Evaluations

If an owner or operator of a vessel applies to install an experimental ballast water treatment system, and the Commission approves that application on or before January 1, 2008, the Commission shall deem the system to be in compliance with any future treatment standard adopted, for a period not to exceed five years from the date that the interim performance standards would apply to that vessel.

- (a) The Commission may rescind its approval of the system at any time if the Commission, in consultation with the Board and the United States Coast Guard, and after an opportunity for administrative appeal with the

executive officer of the Commission, determines that the system has not been operated in accordance with conditions in the agreed upon application package, or that there exists a serious deficiency in performance, human safety, or environmental soundness relative to anticipated performance, or that the applicant has failed to provide the Commission with required test results and evaluations.

Authority: Sections 71201.7, 71204.7 and 71205.3, Public Resources Code

Reference: Sections 71201.7, 71204.7 and 71205.3, Public Resources Code